

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE JULY 23, 2009

AMENDED IN SENATE JUNE 9, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 753**

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**Introduced by Assembly Member Adams**

February 26, 2009

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An act to amend Sections 303, 336, 342, 9003, 9004, 9005, 9007, 9008, 9034, 9035, 9050, 9053, 9054, 9063, 13247, and 13282 of, to add Sections 303.5, 9016, 9017, and 9018 to, to repeal Sections 9052, 13280, and 13281 of, and to repeal and add Sections 9001, 9002, 9006, 9009, 9012, 9013, 9014, 9015, and 9051 of, the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 753, as amended, Adams. Ballot titles and labels.

Existing law generally requires the Attorney General to provide a ballot title for each measure to be submitted to the voters at a statewide election. The Attorney General is required to prepare a summary of the chief purposes and points of a statewide ballot measure as part of the ballot title and return the measure with the ballot title and summary to the Secretary of State. Upon receipt of the ballot title and summary, the Secretary of State is required to send notification of the filing deadline and the certification deadline to the proponents of the measure and to the county elections official.

This bill would revise the provisions relating to the duties of the Attorney General and Secretary of State regarding state ballot measures and the provisions relating to proponents of a ballot measure. The bill would add and revise related definitions.

*This bill would incorporate changes made by AB 894 that would become operative only if both bills are enacted and this bill is enacted after AB 894.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 303 of the Elections Code is amended to  
2 read:

3 303. “Ballot label” means that portion of the ballot containing  
4 the names of the candidates or a statement of a measure. For  
5 statewide measures, the ballot label shall contain no more than 75  
6 words and shall be a condensed version of the ballot title and  
7 summary including the fiscal impact summary prepared pursuant  
8 to Section 9087 of this code and Section 88003 of the Government  
9 Code.

10 SEC. 2. Section 303.5 is added to the Elections Code, to read:

11 303.5. (a) “Ballot title” is the name of a statewide measure  
12 included in the ballot label and the ballot title and summary.

13 (b) “Ballot title and summary” means the summary of the chief  
14 purpose and points including the fiscal impact summary of any  
15 measure that appears in the state ballot pamphlet. The ballot title  
16 and summary shall include a statement of the measure’s fiscal  
17 impact. This summary shall not exceed 100 words, not including  
18 the fiscal impact statement.

19 (c) (1) “Circulating title and summary” means the text that is  
20 required to be placed on a petition for signatures that is either one  
21 of the following:

22 (A) The summary of the chief purpose and points of a proposed  
23 initiative measure that affects the Constitution or laws of the state,  
24 and the fiscal impact of the proposed initiative measure.

25 (B) The summary of the chief purpose and points of a  
26 referendum measure that affects a law or laws of the state.

27 (2) The circulating title and summary shall not exceed 100  
28 words, not including the fiscal impact summary.

1 SEC. 3. Section 336 of the Elections Code is amended to read:  
2 336. The “official summary date” is the date a circulating title  
3 and summary of a proposed initiative measure is delivered or  
4 mailed by the Attorney General to the proponents of the proposed  
5 measure.

6 SEC. 4. Section 342 of the Elections Code is amended to read:

7 342. “Proponent or proponents of an initiative or referendum  
8 measure” means, for statewide initiative and referendum measures,  
9 the elector or electors who submit the text of a proposed initiative  
10 or referendum to the Attorney General with a request that he or  
11 she prepare a circulating title and summary of the chief purpose  
12 and points of the proposed measure; or for other initiative and  
13 referendum measures, the person or persons who publish a notice  
14 or intention to circulate petitions, or, where publication is not  
15 required, who file petitions with the elections official or legislative  
16 body.

17 SEC. 5. Section 9001 of the Elections Code is repealed.

18 SEC. 6. Section 9001 is added to the Elections Code, to read:

19 9001. (a) Prior to the circulation of any initiative or referendum  
20 petition for signatures, the text of the proposed measure shall be  
21 submitted to the Attorney General with a written request that a  
22 circulating title and summary of the chief purpose and points of  
23 the proposed measure be prepared. The electors presenting the  
24 request shall be known as the “proponents.” The Attorney General  
25 shall preserve the written request until after the next general  
26 election.

27 (b) Each and every proponent of any proposed initiative measure  
28 shall, at the time of submitting the text of the proposed measure,  
29 provide both of the following:

30 (1) An original signed certification stating that “I, (insert name),  
31 declare under penalty of perjury that I am a citizen of the United  
32 States, 18 years of age or older, and a resident of (insert county),  
33 California.”

34 (2) Public contact information.

35 (c) The proponents of any initiative measure, at the time of  
36 submitting the text of the proposed measure to the Attorney  
37 General, shall pay a fee of two hundred dollars (\$200), which shall  
38 be placed in a trust fund in the office of the Treasurer and refunded  
39 to the proponents if the measure qualifies for the ballot within two  
40 years from the date the summary is furnished to the proponents.

1 If the measure does not qualify within that period, the fee shall be  
2 immediately paid into the General Fund of the state.

3 (d) All referenda and proposed initiative measures must be  
4 submitted to the Attorney General's Initiative Coordinator located  
5 in the Sacramento Attorney General's Office via U.S. Postal  
6 Service, alternative mail service, or personal delivery. Only printed  
7 documents will be accepted, facsimile or e-mail delivery will not  
8 be accepted.

9 (e) The Attorney General's office shall not deem a request for  
10 a circulating title and summary submitted until all of the  
11 requirements of this section are met.

12 SEC. 7. Section 9002 of the Elections Code is repealed.

13 SEC. 8. Section 9002 is added to the Elections Code, to read:

14 9002. (a) The Attorney General shall provide a copy of the  
15 title and summary to the Secretary of State within 15 days after  
16 receipt of the final version of a proposed initiative measure, or, if  
17 a fiscal estimate or opinion is to be included, within 15 days after  
18 receipt of the fiscal estimate or opinion prepared by the Department  
19 of Finance and the Joint Legislative Budget Committee pursuant  
20 to Section 9005. If during the 15-day period the proponents of the  
21 proposed initiative measure submit amendments, other than  
22 technical, nonsubstantive amendments, to the final version of the  
23 measure, the Attorney General shall provide a copy of the title and  
24 summary to the Secretary of State within 15 days after receipt of  
25 the amendments.

26 (b) The amendment must be submitted with a signed request  
27 by all the proponents to prepare a circulating title and summary  
28 using the amended language.

29 (c) The amendment must be submitted to the Attorney General's  
30 Initiative Coordinator located in the Sacramento Attorney General's  
31 Office via U.S. Postal Service, alternative mail service or personal  
32 delivery. Only printed documents will be accepted, facsimile or  
33 e-mail delivery will not be accepted.

34 SEC. 9. Section 9003 of the Elections Code is amended to read:

35 9003. In the event that the Attorney General is a proponent of  
36 a proposed measure, the circulating title and summary of the chief  
37 purpose and points of the proposed measure, including an estimate  
38 or opinion on the financial impact of the measure, shall be prepared  
39 by the Legislative Counsel, and the other duties of the Attorney  
40 General specified in this chapter with respect to the circulating

1 title and ballot title and summary and an estimate of the financial  
2 effect of the measure shall be performed by the Legislative  
3 Counsel.

4 SEC. 10. Section 9004 of the Elections Code is amended to  
5 read:

6 9004. (a) Upon receipt of the text of a proposed initiative  
7 measure, the Attorney General shall prepare a circulating title and  
8 summary of the chief purposes and points of the proposed measure.  
9 The circulating title and summary shall not exceed a total of 100  
10 words. The Attorney General shall also provide a unique numeric  
11 identifier for each proposed initiative measure. The circulating  
12 title and summary shall be prepared in the manner provided for  
13 the preparation of ballot titles and summaries in Article 5  
14 (commencing with Section 9050), the provisions of which, in  
15 regard to the preparation, filing, and settlement of ballot titles and  
16 summaries, are hereby made applicable to the circulating title and  
17 summary.

18 (b) The Attorney General shall provide a copy of the circulating  
19 title and summary and its unique numeric identifier to the  
20 proponents and to the Secretary of State within 15 days after receipt  
21 of the fiscal estimate or opinion prepared by the Department of  
22 Finance and the Joint Legislative Budget Committee pursuant to  
23 Section 9005. The date the copy is delivered or mailed to the  
24 proponents is the “official summary date.”

25 (c) Upon receipt of the circulating title and summary from the  
26 Attorney General, the Secretary of State shall, within one business  
27 day, notify the proponents and county elections official of each  
28 county of the official summary date and provide a copy of the  
29 circulating title and summary to each county elections official.  
30 This notification shall also include a complete schedule showing  
31 the maximum filing deadline, and the certification deadline by the  
32 counties to the Secretary of State.

33 SEC. 11. Section 9005 of the Elections Code is amended to  
34 read:

35 9005. (a) The Attorney General, in preparing a circulating title  
36 and summary for a proposed initiative measure, shall include in  
37 the circulating title and summary either the estimate of the amount  
38 of any increase or decrease in revenues or costs to the state or local  
39 government, or an opinion as to whether or not a substantial net

1 change in state or local finances would result if the proposed  
2 initiative is adopted.

3 (b) The estimate as required by this section shall be made jointly  
4 by the Department of Finance and the Joint Legislative Budget  
5 Committee, who shall deliver the estimate to the Attorney General  
6 so that he or she may include the estimate in the circulating title  
7 and summary prepared by him or her.

8 (c) The estimate shall be delivered to the Attorney General  
9 within 25 working days from the date of receipt of the final version  
10 of the proposed initiative measure from the Attorney General,  
11 unless in the opinion of both the Department of Finance and the  
12 Joint Legislative Budget Committee a reasonable estimate of the  
13 net impact of the proposed initiative measure cannot be prepared  
14 within the 25-day period. In the latter case, the Department of  
15 Finance and the Joint Legislative Budget Committee shall, within  
16 the 25-day period, give the Attorney General their opinion as to  
17 whether or not a substantial net change in state or local finances  
18 would result if the proposed initiative measure is adopted.

19 (d) Any statement of fiscal impact prepared by the Legislative  
20 Analyst pursuant to subdivision (b) of Section 12172 of the  
21 Government Code may be used by the Department of Finance and  
22 the Joint Legislative Budget Committee in the preparation of the  
23 fiscal estimate or the opinion.

24 SEC. 11.5. *Section 9005 of the Elections Code is amended to*  
25 *read:*

26 9005. ~~Notwithstanding Section 9004, the~~ (a) *The* Attorney  
27 General, in preparing a *circulating title or and summary for an a*  
28 *proposed* initiative measure, shall ~~determine whether the substance~~  
29 ~~thereof if adopted would affect the revenues or expenditures of~~  
30 ~~the state or local government, and if he or she determines that it~~  
31 ~~would, he or she shall, in boldface print, include in the circulating~~  
32 *title and summary* either the estimate of the amount of any increase  
33 or decrease in revenues or costs to the state or local government,  
34 or an opinion as to whether or not a substantial net change in state  
35 or local finances would result if the proposed initiative is adopted.

36 ~~The estimates~~

37 (b) *The estimate* as required by this section shall be made jointly  
38 by the Department of Finance and the Joint Legislative Budget  
39 Committee, who shall deliver ~~them~~ *the estimate* to the Attorney

1 General so that he or she may include ~~them~~ *the estimate* in the  
2 ~~titles circulating title and summary~~ prepared by him or her.

3 ~~The~~

4 (c) *The* estimate shall be delivered to the Attorney General  
5 within 25 working days from the date of receipt of the final version  
6 of the proposed initiative *measure* from the Attorney General,  
7 unless, in the opinion of both the Department of Finance and the  
8 Joint Legislative Budget Committee, a reasonable estimate of the  
9 net impact of the proposed initiative *measure* cannot be prepared  
10 within the 25-day period. In the latter case, the Department of  
11 Finance and the Joint Legislative Budget Committee shall, within  
12 the 25-day period, give the Attorney General their opinion as to  
13 whether or not a substantial net change in state or local finances  
14 would result if the proposed initiative *measure* is adopted.

15 ~~Any~~

16 (d) A statement of fiscal impact prepared by the Legislative  
17 Analyst pursuant to subdivision (b) of Section 12172 of the  
18 Government Code may be used by the Department of Finance and  
19 the Joint Legislative Budget Committee in the preparation of the  
20 fiscal estimate or the opinion.

21 SEC. 12. Section 9006 of the Elections Code is repealed.

22 SEC. 13. Section 9006 is added to the Elections Code, to read:

23 9006. (a) Upon receipt of the text of a proposed referendum,  
24 the Attorney General shall prepare a circulating title and summary  
25 of the chief purpose and points of the proposed statute at issue.  
26 The circulating title and summary shall not exceed a total of 100  
27 words. No fiscal analysis shall be included.

28 (b) The Attorney General shall provide a copy of the circulating  
29 title and summary of the proposed referendum to the proponents  
30 and to the Secretary of State within 10 days after receipt of the  
31 proposed referendum.

32 (c) Upon receipt of the circulating title and summary from the  
33 Attorney General, the Secretary of State shall, within one business  
34 day, notify the proponents and county elections official of each  
35 county of the official summary date and provide a copy of the  
36 circulating title and summary to each county elections official.  
37 This notification shall also include a complete schedule showing  
38 the maximum filing deadline, and the certification deadline by the  
39 counties to the Secretary of State.

1 SEC. 14. Section 9007 of the Elections Code is amended to  
2 read:

3 9007. Immediately upon the preparation of the circulating title  
4 and summary of a proposed initiative or referendum measure, the  
5 Attorney General shall forthwith transmit copies of the text of the  
6 measure and the circulating title and summary to the Senate and  
7 the Assembly. The appropriate committees of each house may  
8 hold public hearings on the subject of the measure. However,  
9 nothing in this section shall be construed as authority for the  
10 Legislature to alter the measure or prevent it from appearing on  
11 the ballot.

12 SEC. 15. Section 9008 of the Elections Code is amended to  
13 read:

14 9008. Every proposed initiative measure, prior to circulation,  
15 shall have placed across the top of the petition in 12-point or larger  
16 roman boldface type, all of the following:

17 (a) The Attorney General's unique numeric identifier placed  
18 before the circulating title and summary upon each page where  
19 the circulating title and summary is to appear.

20 (b) The circulating title and summary prepared by the Attorney  
21 General upon each page of the petition on which signatures are to  
22 appear.

23 (c) The circulating title and summary prepared by the Attorney  
24 General upon each section of the petition preceding the text of the  
25 measure.

26 (d) The circulating title and summary prepared by the Attorney  
27 General as required by subdivision (c) shall be preceded by the  
28 following statement: "Initiative measure to be submitted directly  
29 to the voters."

30 SEC. 16. Section 9009 of the Elections Code is repealed.

31 SEC. 17. Section 9009 is added to the Elections Code, to read:

32 9009. The heading of an initiative petition shall be in  
33 substantially the following form:

34 Initiative Measure to Be Submitted Directly to the Voters

35 The Attorney General of California has prepared the following  
36 circulating title and summary of the chief purpose and points of  
37 the proposed measure:

38 (Here set forth the unique numeric identifier provided by the  
39 Attorney General and circulating title and summary prepared by  
40 the Attorney General. Both the Attorney General's unique numeric



1 identifier and the circulating title and summary must also be printed  
2 across the top of each page of the petition whereon signatures are  
3 to appear.)

4 To the Honorable Secretary of State of California

5 We, the undersigned, registered, qualified voters of California,  
6 residents of \_\_\_\_ County (or City and County), hereby propose  
7 amendments to the Constitution of California (the \_\_\_\_ Code,  
8 relating to \_\_\_\_ ) and petition the Secretary of State to submit the  
9 same to the voters of California for their adoption or rejection at  
10 the next succeeding general election or at any special statewide  
11 election held prior to that general election or as otherwise provided  
12 by law. The proposed constitutional (or statutory) amendments  
13 (full title and text of the measure) read as follows:

14 SEC. 18. Section 9012 of the Elections Code is repealed.

15 SEC. 19. Section 9012 is added to the Elections Code, to read:

16 9012. Any petition for a proposed initiative measure or  
17 referendum may be presented in sections, but each section shall  
18 contain a full and correct copy of the circulating title and summary  
19 and text of the proposed measure. The text of the proposed measure  
20 shall be printed in type not smaller than 8 point.

21 SEC. 20. Section 9013 of the Elections Code is repealed.

22 SEC. 21. Section 9013 is added to the Elections Code, to read:

23 9013. A space at least one inch wide shall be left blank across  
24 the top of each page of every initiative and referendum petition  
25 and after the name of each voter who has signed the petition for  
26 the use of the county elections official in verifying the petition.

27 SEC. 22. Section 9014 of the Elections Code is repealed.

28 SEC. 23. Section 9014 is added to the Elections Code, to read:

29 9014. A petition for a proposed initiative measure or  
30 referendum shall not be circulated for signatures prior to the official  
31 summary date. A petition with signatures on a proposed initiative  
32 measure shall be filed with the county elections official not later  
33 than 150 days from the official summary date, and no county  
34 elections official shall accept a petition on the proposed initiative  
35 measure after that period. A petition for a proposed referendum  
36 measure shall be filed with the county elections officials not later  
37 than 90 days from the date the legislative bill was chaptered by  
38 the Secretary of State, and a county elections official shall not  
39 accept a petition for the proposed referendum after that period.

40 SEC. 24. Section 9015 of the Elections Code is repealed.

1 SEC. 25. Section 9015 is added to the Elections Code, to read:  
2 9015. Officers required by law to receive or file in their offices  
3 any initiative or referendum petition shall not receive or file any  
4 initiative or referendum petition not in conformity with this article.

5 SEC. 26. Section 9016 is added to the Elections Code, to read:  
6 9016. Notwithstanding any other provision of law, no initiative  
7 measure shall be placed on a statewide special election ballot that  
8 qualifies less than 131 days before the date of the election.

9 SEC. 27. Section 9017 is added to the Elections Code, to read:  
10 9017. If, for any reason, any initiative or referendum measure  
11 proposed by petition as provided by this article is not submitted  
12 to the voters at the next succeeding statewide election, that failure  
13 shall not prevent its submission at a succeeding statewide election.

14 SEC. 28. Section 9018 is added to the Elections Code, to read:  
15 9018. The Secretary of State shall prepare and provide to any  
16 person, upon request, a pamphlet describing the procedures and  
17 requirements for preparing and circulating a statewide initiative  
18 measure and for filing sections of the petition, and describing the  
19 procedure used in determining and verifying the number of  
20 qualified voters who have signed the petition.

21 SEC. 29. Section 9034 of the Elections Code is amended to  
22 read:

23 9034. Upon the certification of an initiative measure for the  
24 ballot, the Secretary of State shall transmit copies of the initiative  
25 measure, together with the circulating title and summary as  
26 prepared by the Attorney General pursuant to Section 9004, to the  
27 Senate and the Assembly. Each house shall assign the initiative  
28 measure to its appropriate committees. The appropriate committees  
29 shall hold joint public hearings on the subject of such measure  
30 prior to the date of the election at which the measure is to be voted  
31 upon. However, no hearing may be held within 30 days prior to  
32 the date of the election.

33 Nothing in this section shall be construed as authority for the  
34 Legislature to alter the initiative measure or prevent it from  
35 appearing on the ballot.

36 SEC. 30. Section 9035 of the Elections Code is amended to  
37 read:

38 9035. An initiative measure may be proposed by presenting to  
39 the Secretary of State a petition that sets forth the text of the  
40 proposed statute or amendment to the Constitution and is certified

1 to have been signed by registered voters equal in number to 5  
2 percent in the case of a statute, and 8 percent in the case of an  
3 amendment to the Constitution, of the voters for all candidates for  
4 Governor at the last gubernatorial election preceding the issuance  
5 of the circulating title and summary for the initiative measure by  
6 the Attorney General.

7 SEC. 31. Section 9050 of the Elections Code is amended to  
8 read:

9 9050. After the Secretary of State determines that a measure  
10 will appear on the ballot at the next statewide election, the  
11 Secretary of State shall promptly transmit a copy of the measure  
12 to the Attorney General. The Attorney General shall provide and  
13 return to the Secretary of State a ballot title and summary and  
14 ballot label for each measure submitted to the voters of the whole  
15 state by a date sufficient to meet the ballot pamphlet public display  
16 deadlines.

17 SEC. 32. Section 9051 of the Elections Code is repealed.

18 SEC. 33. Section 9051 is added to the Elections Code, to read:

19 9051. (a) (1) The ballot title and summary may differ from  
20 the legislative, circulating, or other title and summary of the  
21 measure and shall not exceed 100 words, not including the fiscal  
22 impact.

23 (2) The ballot title and summary shall be amended to include a  
24 summary of the Legislative Analyst's estimate of the net state and  
25 local government fiscal impact prepared pursuant to Section 9087,  
26 and Section 88003 of the Government Code.

27 (b) The ballot label shall contain no more than 75 words and  
28 shall be a condensed version of the ballot title and summary  
29 including the financial impact summary prepared pursuant to  
30 Section 9087 and Section 88003 of the Government Code.

31 (c) In providing the ballot title and summary, the Attorney  
32 General shall give a true and impartial statement of the purpose  
33 of the measure in such language that the ballot title and summary  
34 shall neither be an argument, nor be likely to create prejudice, for  
35 or against the proposed measure.

36 SEC. 34. Section 9052 of the Elections Code is repealed.

37 SEC. 35. Section 9053 of the Elections Code is amended to  
38 read:

1 9053. Each measure shall be designated on the ballot by the  
2 ballot label certified to the Secretary of State by the Attorney  
3 General.

4 SEC. 36. Section 9054 of the Elections Code is amended to  
5 read:

6 9054. (a) Whenever a city, county, or city and county is  
7 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section  
8 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights  
9 Act of 1965 to provide a translation of ballot materials in a  
10 language other than English, the Secretary of State shall provide  
11 a translation of the ballot title and summary prepared pursuant to  
12 Sections 9050 and 9051 and of the ballot label prepared pursuant  
13 to Section 13247 in that language to the city, county, or city and  
14 county for each state measure submitted to the voters in a statewide  
15 election not later than 68 days prior to that election.

16 (b) When preparing a translation in a language other than  
17 English pursuant to subdivision (a), the Secretary of State shall  
18 consult with an advisory body consisting of language experts and  
19 nonpartisan organizations that advocate on behalf of, or provide  
20 services to, individuals that speak that language.

21 (c) All translations prepared pursuant to this section shall be  
22 made available for public examination in the same time and manner  
23 as the ballot pamphlet is made available for public examination in  
24 accordance with Section 88006 of the Government Code and  
25 Section 9092 of this code.

26 (d) The local elections official shall use that translation of the  
27 ballot label on the sample ballot and the official ballot and may  
28 not select or contract with another person to provide translations  
29 of the same text.

30 SEC. 37. Section 9063 of the Elections Code is amended to  
31 read:

32 9063. The summary of a measure given in the press release  
33 shall be the official circulating title and summary that has been  
34 prepared by the Attorney General. The Legislative Counsel Bureau  
35 shall prepare the summary on all other measures.

36 SEC. 38. Section 13247 of the Elections Code is amended to  
37 read:

38 13247. The statement of all measures submitted to the voters  
39 shall be abbreviated on the ballot in a ballot label as provided for

1 in Section 9051. The ballot label shall be followed by the words,  
2 “Yes” and “No.”

3 SEC. 39. Section 13280 of the Elections Code is repealed.

4 SEC. 40. Section 13281 of the Elections Code is repealed.

5 SEC. 41. Section 13282 of the Elections Code is amended to  
6 read:

7 13282. Whenever the Attorney General prepares a ballot label,  
8 the Attorney General shall file a copy of the ballot label with the  
9 Secretary of State. The Secretary of State shall make a copy of the  
10 ballot label available for public examination prior to the printing  
11 of the ballot label on any ballot. The public shall be permitted to  
12 examine the ballot label for at least 20 days, and the Secretary of  
13 State may consolidate the examination requirement under this  
14 section with the public examination requirements set forth in  
15 Section 9092. A voter may seek a writ of mandate requiring a  
16 ballot label, or portion thereof, to be amended or deleted. The  
17 provisions set forth in Section 9092 concerning the issuance of the  
18 writ and the nature of the proceedings shall be applicable to this  
19 section.

20 *SEC. 42. Section 11.5 of this bill incorporates amendments to*  
21 *Section 9005 of the Elections Code proposed by both this bill and*  
22 *AB 894. It shall only become operative if (1) both bills are enacted*  
23 *and become effective on or before January 1, 2010, (2) each bill*  
24 *amends Section 9005 of the Elections Code, and (3) this bill is*  
25 *enacted after AB 894, in which case Section 11 of this bill shall*  
26 *not become operative.*

O